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# HOUSE BILL No. 2072

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-1-33.

**Synopsis:** Siting of merchant power plants. Provides that a merchant power plant may not be located in Indiana unless the plant: (1) complies with local planning and zoning standards; and (2) is approved by the legislative body of the municipality in which the plant is located or by the county commissioners of the county in which the plant is located if the plant is not located in a municipality.

**Effective:** July 1, 2001.

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## Turner

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January 17, 2001, read first time and referred to Committee on Commerce, Economic Development and Technology.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 2072

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-1-33 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2001]:

4 **Chapter 33. Siting of Merchant Power Plants**

5 **Sec. 1. (a) As used in this chapter, "merchant power plant"**  
6 **means an electric power generating plant that:**

7 (1) generates electricity for the wholesale or retail market;  
8 and

9 (2) has a generating capacity of at least twenty-five (25)  
10 megawatts.

11 (b) The term includes the following:

12 (1) A combination of electric power generating plants that are  
13 located at a single site.

14 (2) Transmission lines connecting a plant to a power  
15 transmission system or to an interconnected primary  
16 transmission system, or to both.

17 **Sec. 2. As used in this chapter, "municipality" has the meaning**

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1 set forth in IC 36-1-2-11.

2       **Sec. 3. In addition to any other requirements of Indiana law, a**  
3 **merchant power plant may not be located in Indiana unless both**  
4 **of the following are satisfied:**

5       **(1) The merchant power plant complies with local planning**  
6 **and zoning standards. A merchant power plant's receipt of**  
7 **any approvals, permits, or variances required under local**  
8 **planning and zoning ordinances is necessary and sufficient to**  
9 **satisfy this requirement.**

10       **(2) Approval by the following:**

11       **(A) If the merchant power plant is located in a**  
12 **municipality, the municipality's legislative body.**

13       **(B) If the merchant power plant is not located in a**  
14 **municipality, the executive of the county in which the**  
15 **merchant power plant is located.**

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